

ASSEMBLY, No. 2277

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

Assemblymen Space and Wirths

SYNOPSIS

Authorizes sharing of municipal court administrator under “Common Sense Shared Services Pilot Program Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning certain shared services and amending various
2 parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 4 of P.L.2007, c.63 (C.40A:65-4) is amended to read
8 as follows:

9 4. a. (1) Any local unit may enter into an agreement with any
10 other local unit or units to provide or receive any service that each
11 local unit participating in the agreement is empowered to provide or
12 receive within its own jurisdiction, including services incidental to
13 the primary purposes of any of the participating local units
14 including services from licensed or certified professionals required
15 by statute to be appointed.

16 In the case of pilot municipalities, tenure rights shall not prohibit
17 the sharing of services for a municipal clerk, a chief financial
18 officer, an assessor, a tax collector, a municipal treasurer, **[or]** a
19 municipal superintendent of public works, or a municipal court
20 administrator. The statutory requirements that each municipality
21 must appoint a municipal clerk, a chief financial officer, an
22 assessor, a tax collector, a municipal treasurer, a municipal
23 engineer, **[and]** a principal public works manager, and a municipal
24 court administrator, shall, for those pilot municipalities, permit and
25 include the provision of the services of any of those municipal
26 employees through a shared service agreement pursuant to the
27 provisions of P.L.2007, c.63 (C.40A:65-1 et seq.). The shared
28 service agreement shall be subject to the provisions of subsection d.
29 of this section and of section 3 of P.L.2013, c.166 (C.40A:65-4.2).

30 In a shared service agreement between pilot municipalities for
31 the services of a municipal clerk, a chief financial officer, an
32 assessor, a tax collector, a municipal treasurer, **[or]** a municipal
33 superintendent of public works, or a municipal court administrator,
34 the agent-party, as that term is used in subsection d. of section 7 of
35 P.L.2007, c.63 (C.40A:65-7), shall select for employment under the
36 agreement one of the employees of the pilot municipalities that are
37 party to the agreement who was employed in that same capacity
38 prior to the approval of the agreement.

39 (2) Notwithstanding any law, rule or regulation to the contrary,
40 any agreement between local units for the provision of shared
41 services shall be entered into pursuant to sections 1 to 37 of
42 P.L.2007, c.63 (C.40A:65-1 et al.); provided, however, that
43 agreements regarding shared services that are otherwise regulated
44 by statute, rule, or regulation are specifically excluded from
45 sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.).

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (3) The board is authorized to render a decision in the
2 determination of the statutory basis under which a specific shared
3 service is governed.

4 b. Any agreement entered into pursuant to this section shall be
5 filed, for informational purposes, with the Division of Local
6 Government Services in the Department of Community Affairs,
7 together with an estimate of the cost savings anticipated to be
8 achieved by the local units that are the parties to the agreement in
9 the case of an agreement between pilot municipalities, pursuant to
10 rules and regulations promulgated by the director.

11 c. In the case of a pilot municipality, a tenured municipal clerk,
12 chief financial officer, assessor, tax collector, municipal
13 superintendent of public works, **[or]** municipal treasurer, or a
14 municipal court administrator, may be dismissed to effectuate the
15 sharing of a service entered into pursuant to the provisions of
16 P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be
17 deemed to be in the interest of the economy or efficiency of the
18 participants in the shared service agreement.

19 d. In the case of a pilot municipality, a tenured municipal clerk,
20 chief financial officer, assessor, tax collector, municipal
21 superintendent of public works, **[or]** municipal treasurer, or a
22 municipal court administrator, who has been dismissed to effectuate
23 a shared service agreement entered into pursuant to the provisions
24 of P.L.2007, c.63 (C.40A:65-1 et seq.) shall be reappointed to his or
25 her former position, and shall regain his or her tenured status, if the
26 shared service agreement is cancelled, or expires, within the two-
27 year period immediately following the dismissal of that person.

28 e. Notwithstanding any law, rule, or regulation to the contrary,
29 a local unit or units may enter into a shared service agreement with
30 a federal military base, to the extent permitted by 10 U.S.C. s.2679,
31 under which services would be provided to the extent a local unit
32 involved in the agreement is empowered to provide those services
33 within its own jurisdiction. This subsection shall not be construed
34 to impact existing federal or State civil service laws, rules, or
35 regulations with respect to federal employees or employees of a
36 local unit. Where federal law and State law conflict regarding the
37 content and duration of such agreements, federal law shall control.
38 (cf: P.L.2017, c.21, s.1)

39
40 2. Section 3 of P.L.2013, c.166 (C.40A:65-4.2) is amended to
41 read as follows:

42 3. a. As used in this section:

43 "Local employee" means a tenured municipal clerk, assessor,
44 collector, chief financial officer, municipal treasurer, **[or]** principal
45 public works manager who is a municipal superintendent of public
46 works, or municipal court administrator;

47 "Pilot county" means Atlantic, Camden, Monmouth, Morris,
48 Ocean, Sussex, and Warren, counties; and

1 "Pilot municipality" means a municipality located in a pilot
2 county that enters into a shared services agreement with another
3 pilot municipality pursuant to the provisions of P.L.2007, c.63
4 (C.40A:65-1 et seq.) for the services of a local employee.

5 b. There is established a pilot program to evaluate the
6 efficiency and functionality of the sharing of services of certain
7 local personnel having tenure rights in office. In pilot
8 municipalities, tenure rights shall not prohibit the sharing of
9 services for a municipal clerk, a chief financial officer, an assessor,
10 a tax collector, a municipal treasurer, **[or]** a municipal
11 superintendent of public works, or a municipal court administrator.
12 Under the pilot program, municipalities located in pilot counties
13 may enter into shared services agreements, pursuant to the
14 provisions of P.L.2007, c.63 (C.40A:65-1 et seq.), for the services
15 of tenured local employees, and provide for the dismissal of any
16 tenured local employees who are not selected to be service
17 providers under the shared services agreement.

18 In a shared service agreement between pilot municipalities for
19 the services of a municipal clerk, a chief financial officer, an
20 assessor, a tax collector, a municipal treasurer, **[or]** a municipal
21 superintendent of public works, or a municipal court administrator,
22 the agent-party, as that term is defined in subsection d. of section 7
23 of P.L.2007, c.63 (C.40A:65-7), shall select for employment under
24 the agreement one of the employees of the pilot municipalities that
25 are party to the agreement who was employed in that same capacity
26 by one of the pilot municipalities prior to the approval of the
27 agreement. The shared service agreement shall address the
28 proportion of work hours that the selected employee shall dedicate
29 towards each pilot municipality, and any additional compensation
30 that the selected employee may receive for assuming additional
31 duties under the agreement. If the selected employee receives
32 additional compensation for assuming additional duties under the
33 agreement, the additional compensation shall not be reduced during
34 the term of the agreement without good cause.

35 c. A tenured municipal clerk, chief financial officer, assessor,
36 tax collector, municipal superintendent of public works, **[or]**
37 municipal treasurer, or municipal court administrator, may be
38 dismissed to effectuate the sharing of a service entered into
39 pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.),
40 and such dismissal shall be deemed to be in the interest of the
41 economy or efficiency of the participants in the shared service
42 agreement. A tenured municipal clerk, chief financial officer,
43 assessor, tax collector, municipal superintendent of public works,
44 **[or]** municipal treasurer, or municipal court administrator who has
45 been dismissed to effectuate a shared service agreement entered into
46 pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.)
47 shall be reappointed to his or her former position, and shall regain
48 his or her tenured status, if the shared service agreement is

1 cancelled, or expires, within the two-year period immediately
2 following the dismissal of that person. If the shared service
3 agreement is cancelled, or expires, within the two-year period
4 immediately following the dismissal, the reappointed employee
5 shall be entitled to the same level of salary or wages as the
6 employee had received at the time of the dismissal, augmented by
7 any increases in salary granted to all other tenured employees by
8 ordinance while the shared service agreement was in effect.

9 (cf: P.L.2018, c.140, s.1)

10
11 3. Section 1 of P.L.1953, c.168 (C.2A:8-13.1) is amended to
12 read as follows:

13 1. a. Any person holding office, position or employment as
14 administrator of the municipal court in any borough who has held
15 such office, position or employment continuously for five years or
16 more and who has become certified during that period shall hold
17 and continue to hold said office, position or employment during
18 good behavior and shall not be removed therefrom for political or
19 other reasons except for good cause, upon written charges and after
20 a public, fair and impartial hearing.

21 b. In the case of a shared service agreement between pilot
22 municipalities under P.L.2013, c.166 (C.40A:65-4.1 et al.), a
23 tenured municipal court administrator may be dismissed to
24 effectuate the sharing of a service entered into pursuant to the
25 provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such
26 dismissal shall be deemed to be in the interest of the economy or
27 efficiency of the participants in the shared service agreement. The
28 removal of a municipal court administrator under this subsection
29 shall not require the pilot municipality to fulfill the requirements of
30 subsection a. of this section. Instead, the pilot municipality shall
31 provide the municipal court administrator with a written copy of the
32 shared service agreement entered into by the municipality, and a
33 letter stating that the position of municipal court administrator in
34 the pilot municipality is being eliminated for reasons of economy or
35 efficiency as the result of the shared service agreement.

36 Any such shared service agreement shall be subject to the
37 provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and of
38 section 3 of P.L.2013, c.166 (C.40A:65-4.2).

39 (cf: P.L.1997, c.389, s.1)

40
41 4. Section 1 of P.L.1975, c.39 (C.2A:8-13.3) is amended to
42 read as follows:

43 1. a. Any person holding office, position or employment as
44 full-time administrator of a municipal court who has held such
45 office, position or employment continuously for five years or more
46 and who has become certified during that period shall hold and
47 continue to hold said office, position or employment during good
48 behavior and shall not be removed therefrom for political or other

1 reasons except for good cause, upon written charges and after a
2 public, fair and impartial hearing.

3 b. In the case of a shared service agreement between pilot
4 municipalities under P.L.2013, c.166 (C.40A:65-4.1 et al.), a
5 tenured municipal court administrator may be dismissed to
6 effectuate the sharing of a service entered into pursuant to the
7 provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such
8 dismissal shall be deemed to be in the interest of the economy or
9 efficiency of the participants in the shared service agreement. The
10 removal of a municipal court administrator under this subsection
11 shall not require the pilot municipality to fulfill the requirements of
12 subsection a. of this section. Instead, the pilot municipality shall
13 provide the municipal court administrator with a written copy of the
14 shared service agreement entered into by the municipality, and a
15 letter stating that the position of municipal court administrator in
16 the pilot municipality is being eliminated for reasons of economy or
17 efficiency as the result of the shared service agreement.

18 Any such shared service agreement shall be subject to the
19 provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and of
20 section 3 of P.L.2013, c.166 (C.40A:65-4.2)
21 (cf: P.L.1997, c.389, s.2)

22

23 5. N.J.S.2B:12-10 is amended to read as follows:

24 2B:12-10. Municipal court administrator and personnel. a. A
25 county or municipality shall provide for an administrator and other
26 necessary employees for the municipal court and for their
27 compensation. This requirement may be fulfilled by the sharing of
28 a municipal court administrator under a shared service agreement
29 entered into pursuant to the provisions of P.L.2007, c. 63
30 (C.40A:65-1 et seq.). With approval of the Supreme Court, an
31 employee of the county or municipality, in addition to other duties,
32 may be designated to serve as administrator of the municipal court.

33 b. The judge of a municipal court may designate in writing an
34 acting administrator or deputy administrator to serve temporarily
35 for an absent administrator or deputy administrator until the absent
36 administrator or deputy administrator returns or a new administrator
37 or deputy administrator is appointed. The acting administrator or
38 acting deputy administrator shall be paid at a rate established by the
39 judge but not exceeding that established for the administrator or
40 deputy administrator.

41 Any such shared service agreement shall be subject to the
42 provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and of
43 section 3 of P.L.2013, c.166 (C.40A:65-4.2).
44 (cf: P.L.1996, c.95, s.9)

45

46 6. This act shall take effect immediately.

STATEMENT

This bill permits the sharing of the services of a municipal court administrator between municipalities located in pilot counties under the “Common Sense Shared Services Pilot Program Act.”

The “Common Sense Shared Services Pilot Program Act” was enacted as a pilot program to address the issues that prevented the sharing of services of tenured municipal clerks, chief financial officers, tax collectors, assessors, principal public works managers, and municipal engineers between municipalities by allowing for the dismissal of such a tenured local official, as necessary, in order to promote and effectuate the sharing of a service between municipalities located in certain counties. Currently, those counties are Atlantic, Camden, Monmouth, Morris, Ocean, Sussex, and Warren.

This bill adds the position of tenured municipal court administrator to the positions that are covered under the “Common Sense Shared Services Pilot Program Act.”